

**Barred Offenses
Child Care
Effective November 1, 2016**

IMPORTANT NOTES:

A violation of the law in any other state or under United States jurisdiction that would be listed on this table if committed in Wisconsin results in the same action as described below.

Certain offenses identified in the table below require a substantially related analysis if the conviction/adjudication occurred within the past five years as specified in Wis. Stat. § 48.685(2) (bb). The purpose of the substantially related analysis is to determine whether re-offense is reasonably likely. See Wis. Admin. Code § DCF 12.06 for information about conducting and documenting the substantially related analysis. The form, "Caregiver Background Check – Substantially Related Investigation Report" is available on the department's website at http://www.dcf.wi.gov/childcare/licensed/cbc/cbc_forms.HTM and may be used to document an analysis to determine whether a conviction/adjudication is substantially related to a person's ability to provide care to children or the activities of a child care program.

Effective November 1, 2016, rehabilitation review is required before a person may be licensed or certified, reside in or be employed by a child care center if that person has been convicted or adjudicated of an offense imposing a bar for five years after completion of a sentence including probation parole, extended supervision or discharge by the Department of Corrections. The rehabilitation review approval must be obtained after completion of the five year period. The rehabilitation review requirement does not apply to a person holding a license or certification, residing in or employed by a child care center prior to November 1, 2016.

Certain offenses indicated in the table below are bars unless the individual obtains rehabilitation review approval. To receive a rehabilitation review, the applicant must submit a Rehabilitation Review Application Packet. Applications are available on DCF's website at http://www.dcf.wi.gov/rehab_review/process.htm. Applicants may also obtain an application by contacting the Rehabilitation Review Coordinator at (608) 422-7041.

Statute	Conviction or Pending Charge OR Adjudicated Delinquent or Delinquency Petition on or after 12th birthday	Action
48.685(2), (3), (4m)(b), or (6)	Providing false information or the intentional withholding of information from the Department, a county department, an agency contracting under Wis. Stat. § 48.651(2), a school board, or an entity.	Permanent Bar, rehabilitation review not permitted.
125.075 (1)	Injury or death by providing alcohol to a person under age 18	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
125.085 (3) (a) 2.	Make, alter, duplicate ID for money or compensation	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
125.105 (2) (b)	Impersonate or abet impersonation of an inspector, agent or employee of Dept. of Revenue or Dept. of Justice	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.

Statute	Conviction or Pending Charge OR Adjudicated Delinquent or Delinquency Petition on or after 12 th birthday	Action
125.66 (3)	Make or rectify intoxicating beverage without an appropriate permit	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
125.68 (12)	Recover, use, conceal or dispose of alcohol derived from denatured alcohol	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
346.63 (1), (2), (5) or (6)	Operating or causing injury by intoxicated use of a motor vehicle that is a felony under Wis. Stat. § 346.65 (2)(am)5., 6., or 7. or (f), (2j)(d) or (3m)	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.01	1 st degree intentional homicide	Permanent Bar, rehabilitation review not permitted.
940.02	1 st degree reckless homicide	Permanent Bar, rehabilitation review not permitted.
940.03	Felony murder	Permanent Bar, rehabilitation review not permitted.
940.05	2 nd degree intentional homicide	Permanent Bar, rehabilitation review not permitted.
940.06	2 nd degree reckless homicide	Permanent Bar, rehabilitation review not permitted.
940.09	Homicide by intoxicated use of vehicle or firearm	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.12	Assisting suicide	Bar unless rehabilitation review approval.
940.19(1)	Battery – causing bodily harm with intent to cause bodily harm	If conviction was within the last 5 years, contact clerk of court to obtain copies of the criminal complaint and judgment of conviction. Determine whether the offense was substantially related to the care of children or the activities of the child care program. If substantially related, the person is barred.
940.19 (2), (4), (5), or (6) (spouse victim)	Substantial or aggravated battery (if victim is the spouse of the person convicted)	Permanent Bar, rehabilitation review not permitted.
940.19 (3) 1999 Stats. (spouse victim)	Substantial or aggravated battery (if victim is the spouse of the person convicted)	Permanent Bar, rehabilitation review not permitted.
940.19 (2), (4), (5) or (6)	Substantial or aggravated battery	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.19 (3) 1999 Stats. (non spouse victim)	Substantial or aggravated battery	Bar unless rehabilitation review approval.

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940.195	Battery, substantial battery, or aggravated battery to unborn child	If conviction was within the last 5 years, contact clerk of court to obtain copies of the criminal complaint and judgment of conviction. Determine whether the offense is substantially related to the care of children or the activities of the child care program. If substantially related, the person is barred.
940.20 (1) or (1m)	Battery by prisoners or battery by persons subject to certain injunctions, if the victim is the spouse of the person convicted	Permanent Bar, rehabilitation review not permitted.
940.20	Battery: special circumstance	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.203	Battery or threat to a judge	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.205	Battery or threat to a Dept. of Revenue employee	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.207	Battery or threat to Safety and Professional Services or Workforce Development employee	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.21	Mayhem	Permanent Bar, rehabilitation review not permitted.
940.22 (2) or (3)	Sexual exploitation by therapist; duty to report	Bar unless rehabilitation review approval.
940.225 (1), (2) or (3)	1 st , 2 nd , 3 rd degree sexual assault	Permanent Bar, rehabilitation review not permitted.
940.23	Reckless Injury	Permanent Bar, rehabilitation review not permitted.
940.25	Injury by intoxicated use of a vehicle	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.285 (2)	Abuse of vulnerable adults (Misdemeanor or Felony conviction)	Bar unless rehabilitation review approval.
940.29	Abuse of residents of a penal facility	Bar unless rehabilitation review approval.
940.295	Abuse or neglect of patients & resident (Misdemeanor or Felony conviction)	Bar unless rehabilitation review approval.
940.302 (2) if s. 940.302 (2)(a) 1.b. applies	Human trafficking for a commercial sex act	Bar unless rehabilitation review approval.
940.305	Taking hostages	Permanent Bar, rehabilitation review not permitted.

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940.31	Kidnapping	Permanent Bar, rehabilitation review not permitted.
941.20 (2) or (3)	Endangering safety with use of a dangerous weapon (Felony conviction only)	Permanent Bar, rehabilitation review not permitted.
941.21	Disarming a peace officer	Permanent Bar, rehabilitation review not permitted.
941.30	Recklessly endangering safety	If conviction was within the last 5 years, contact clerk of court to obtain copies of the criminal complaint and judgment of conviction. Determine whether the offense is substantially related to the care of children or the activities of the child care program. If substantially related, the person is barred.
942.08	Invasion of privacy	If conviction was within the last 5 years, contact clerk of court to obtain copies of the criminal complaint and judgment of conviction. Determine whether the offense is substantially related to the care of children or the activities of the child care program. If substantially related, the person is barred.
942.09 (2)	Representations depicting nudity (Felony conviction only)	Bar unless rehabilitation review approval.
943.10 (2)	Armed burglary or burglary with battery	Permanent Bar, rehabilitation review not permitted.
943.201	Identity Theft	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.
943.203	Theft of an entity's identity	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.
943.23 (1g)	Operating a motor vehicle without the owner's consent while possessing a dangerous weapon	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
943.32 (2)	Robbery by use, or threat of use, of a dangerous weapon	Permanent Bar, rehabilitation review not permitted.
943.34 (1)	Receiving stolen property (Felony conviction only)	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.
943.38 (1) or (2)	Forgery (Felony conviction only)	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.
943.395 (1)	Fraudulent insurance or employee benefit program claim (Felony conviction only)	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.
943.41 (3) (e), (4) (a), (5), (6) or (6m)	Financial transaction card crime – theft, forgery or fraudulent use of a financial transaction card (Felony conviction only)	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.
943.45 (1)	Theft of telecommunications service (Felony conviction only)	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.
943.455 (2)	Theft of commercial mobile service (Felony conviction only)	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.
943.46 (2)	Theft of video service (Felony conviction only)	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.

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943.47 (2)	Theft of satellite cable programming (Felony conviction only)	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.
943.50 (1m)	Retail theft (Felony conviction only)	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.
943.70 (2) (a) or (am) or (3) (a)	Computer crime (Felony conviction only)	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.
Subch. IV of Ch. 943 Stats.	Crimes against a financial institution, which covers <i>all</i> sections and subsections from 943.80 through 943.92 (Felony conviction only).	Permanent Bar for licensee or certified operator, rehabilitation review not permitted.
947.01(1)	Disorderly conduct	If conviction was within the last 5 years, contact clerk of court to obtain copies of the criminal complaint and judgment of conviction. Determine whether the offense is substantially related to the care of children or the activities of the child care program. If substantially related, the person is barred.
947.013	Harassment	If conviction was within the last 5 years, contact clerk of court to obtain copies of the criminal complaint and judgment of conviction. Determine whether the offense is substantially related to the care of children or the activities of the child care program. If substantially related, the person is barred.
948.21 (1) (a)	Neglecting a child (Misdemeanor conviction)	Bar unless rehabilitation review approval.
948.22 (2)	Failure to support	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections unless the person has paid all arrearages due and is meeting his or her current support obligation. Rehabilitation review approval required after end of 5 year bar.
948.51 (2)	Hazing if it results in great bodily injury or death (Felony conviction only under 948.51 (3) (b) or (c))	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
948.53 (2) (b)1.	Child unattended in a vehicle (Misdemeanor conviction)	Bar unless rehabilitation review approval.
Any other felony offense under Wis. Stat. ch. 948	Crimes against Children (Felony conviction only except as noted for 948.22 (2) or 948.51 (2) above)	Permanent Bar, rehabilitation review not permitted.
Any felony offense under Ch. 961 Stats.	Uniform Controlled Substances Act (Felony conviction only) This includes convictions under previous numbering in Wis. Stat. ch. 161.	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.

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Unspecified	An offense involving fraudulent activity as a participant in the Wisconsin Works program under Wis. Stat. § 49.141 to 49.161, including as a recipient of a child care subsidy under Wis. Stat. § 49.155, or as a recipient of aid to families with dependent children under Wis. Stat. § 49.19, medical assistance under Wis. Stat. 49, such. IV, food stamps benefits under the food stamp program under 7 U.S.C §§ 2011 to 2036, supplemental security income payments for the support of children of supplemental security income recipients under Wis. Stat. § 49.775, or health care benefits under the Badger Care health care program under Wis. Stat. § 49.665.	Permanent Bar, rehabilitation review not permitted.

OTHER OFFENSES		
Other Offenses	Finding by a governmental agency of child abuse or neglect	Bar unless rehabilitation review approval.
Other Offenses	Finding by a governmental agency of neglect or abuse of a client, or of misappropriation of a client's property	Bar unless rehabilitation review approval.